

## Message Text

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S E C R E T MOSCOW 15701

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E.O. 11652 XGDS-3

TAGS: PARM, US, UR

SUBJ: TTBT/PNE NEGOTIATIONS: DRAFT TREATY TEXT

TTBT/PNE DELEGATION MESSAGE NO. 86

REF: (A) MOSCOW 15477 (B) MOSCOW 15657

1. IN OCTOBER 31 WORKING GROUP I MEETING THERE WAS FURTHER DISCUSSION OF DRAFT TREATY TEXT CONTAINED REFTELS, AND SOVIET SIDE HAD NEW PROPOSAL ON ARTICLE VIII (DURATION). DISCUSSION CENTERED ON THAT ARTICLE, AND ON ARTICLES III, V AND VI.

2. ARTICLE III -- TIMERBAEV SAID SOVIET SIDE, AFTER FURTHER THOUGHT, SAW DIFFICULTY IN LANGUAGE "PARTICIPATE OR ASSIST IN THE CARRYING OUT OF" CONTAINED IN PARAS 1 AND 2 OF ARTICLE III (REF (B)), AND PARA 2 OF ARTICLE VII (REF (A)). TIMERBAEV ASSERTED THAT INCLUSION OF SUCH LANGUAGE WOULD PERMIT POSSIBILITY OF THIRD COUNTRIES REQUESTING PARTICIPATION IN OR ASSISTANCE OF ONE (OR BOTH) OF TWO PNE TREATY PARTIES IN, FOR EXAMPLE, A 10-KILOTON PNE. IT WAS POINTED OUT TO TIMERBAEV THAT HIS POINT SEEMED LEGITIMATE WITH RESPECT TO PARA 1 OF ARTICLE III BUT IT NOT CLEAR THAT POINT IS VALID WITH RESPECT TO PARA 2 OF ARTICLE III AND PARA 2 OF ARTICLE VII. TIMERBAEV SUGGESTED THAT NPT MIGHT OBVIATE NEED FOR PARTICIPATE/ASSIST LANGUAGE IN LATTER

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TWO PARAGRAPHS. BUCHHEIM SAID THIS ANOTHER EXAMPLE OF

DIFFICULTIES CAUSED BY RIGHTS/LIMITATIVE APPROACH TO ARTICLE III AND TIMERBAEV QUESTIONED YET ANOTHER REASON WHY DRAFT ARTICLE III NOT ONLY AD REFERENDUM BUT ALSO SUBJECT TO LEGAL REVIEW TO DETERMINE IF FORMULATION ADEQUATE.

3. ARTICLE V -- SOVIETS PROPOSED THAT COMMISSION BE CALLED "STANDING CONSULTATIVE COMMISSION", BUT MADE CLEAR THAT USSR DID NOT WANT SALT SCC TO PERFORM DUAL ROLE. US AGREED AD REFERENDUM TO SCC TITLE, AND PARAS 1 AND 2 OF ARTICLE V TEXT (REF (A) SHOULD BE AMENDED TO REFLECT THIS AND THEREFORE SHOW NO BRACKETS.

4. ARTICLE VI - SCC CHANGE SHOULD BE REFLECTED IN PARA 2, AND BRACKETS THERE REMOVED. ADDITIONALLY, PARAS 2 AND 3 OF TEXT IN REF (A) HAVE BEEN COMBINED AS FOLLOWS:

BEGIN TEXT:

2. STANDING CONSULTATIVE COMMISSION SHALL FACILITATE THIS COOPERATION BY CONSIDERING SPECIFIC AREAS AND FORMS OF COOPERATION WHICH WILL BE DETERMINED BY AGREEMENT BETWEEN THE PARTIES IN ACCORDANCE WITH THEIR CONSTITUTIONAL PROCEDURES. END TEXT.

IT WILL BE NOTED THAT USSR HAS NOW DROPPED BRACKETS AROUND "CONSTITUTIONAL PROCEDURES" PHRASE AT END THIS PARA TEXT. PARA 4 AS CONTAINED REF (A) SHOULD BE RENUMBERED AS PARA 3, AND USSR HAS AGREED TO DELETE "BY AGREEMENT".

5. ARTICLE VIII -- US AND USSR TEXTS ARE CONTAINED IN PARAS 25, 26 AND 27 OF MOSCOW 14527. USSR PROPOSAL IS TO USE US PARA 1, BUT TO CHANGE "FIVE YEARS" TO "FIFTEEN YEARS" IN TWO PLACES IT APPEARS. USSR ON THIS BASIS WOULD AGREE TO DELETE ITS PARA 1, ACCEPT US PARA 2, DELETE BOTH US AND USSR PARAS 3, AND INCLUDE AGREED AMENDMENTS PARA. THUS, SOVIET PROPOSAL WULD LEAD TO A THREE-PARAGRAPH ARTICLE VIII. IT WAS POINTED OUT THAT SOVIET APPROACH COULD LEAD TO SITUATION WHERE LIMITATIONS ON NUCLEAR WEAPON TESTS CHANGE WITHOUT OBLIGATION EVEN TO REVIEW PROVISIONS OF PNE TREATY WHICH, IN THAT SITUATION, MIGHT  
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ALSO REQUIRE CHANGE IN ORDER TO MEET BASIC CRITERIA RELATING TO PNES UPON WHICH BOTH US AND USSR AGREED. TIMERBAEV ASSERTED THAT AMENDMENT POSSIBILITY SHOULD COVER THIS POINT. IT WAS MADE CLEAR THAT AMENDMENT PROVISION INVOLVED NO OBLIGATORY REVIEW BINDING ON TWO SIDES. TIMERBAEV SAID SOVIET RESISTANCE TO THIS ENTIRELY FUNCTION OF FACT THAT US PARA 3 LINKS TTBT AND PNE AGREEMENT. SINCE LATTER NOT ARMS CONTROL MEASURE,

TIMERBAEV SAID USSR COULD NOT ACCEPT SUCH A LINK.  
IT WAS AGREED TO CONTINUE DISAGREEMENT ABOUT DURATION  
ARTICLE.  
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## Message Attributes

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